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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-81085-MC-Ryskamp/Vitunac

08cv179

Linda Hale

FILED

Plaintiff(s),

v.

Optionsxpress, Inc.

APR 01 2008 Y.N.
APR 07 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Defendant(s),

CLERK'S NOTICE OF TRANSFER TO OTHER DISTRICT

Pursuant to the Order of Transfer entered on 3/27/08, the above-styled case is hereby transferred to the Northern District of Illinois.

Enclosed are certified copies of the Order of Transfer and the Court's docket sheet. The case record is ☐ a combined paper and electronic file or ☒ an electronic file and the imaged documents can be obtained at PACER.USCOURTS.GOV by using your Pacer (not CM/ECF) login and password. If you do not have a pacer login, please contact the Pacer Center at 1-800-676-6856.

DONE at the Federal Courthouse, Fort Lauderdale, Florida, this 27 day of March 2008.

STEVEN M. LARIMORE
Court Administrator • Clerk of Court

By: [Signature]
s/Graciela Perez
Deputy Clerk

Please acknowledge receipt of this transfer by returning a time-stamped copy of this Notice to:

United States District Court
Southern District of Florida

Received By: _____

New Case No. _____

AEV

**U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:07-mc-81085-KLR
Internal Use Only**

Hale v. Optionsxpress, INC.
Assigned to: Senior Judge Kenneth L. Ryskamp
Cause: 09:0009 Motion to confirm arbitration award

Date Filed: 11/16/2007
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff**Linda Hale**

represented by **Neil Barry Solomon**
Neil B. Solomon, P.A.
4174 St. Lukes Lane
Jupiter, FL 33458
561-762-4991
Fax: 561-626-2721
Email: neilbsolomonesq@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Optionsxpress, INC.**

represented by **Stephen Bernard Gillman**
Shutts & Bowen
201 S Biscayne Boulevard
Suite 1500 Miami Center
Miami, FL 33131
305-347-7311
Fax: 381-9982
Email: sgillman@shutts.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/16/2007	<u>1</u>	Application to Confirm Arbitration Award Filing fee \$39 Receipt#: 723408, filed by Linda Hale.(vt) (Entered: 11/16/2007)
12/21/2007	<u>2</u>	ORDER TO SHOW CAUSE. Show Cause Response due by 1/8/2008.Signed by Judge Kenneth L. Ryskamp on 12/21/07.(sh) (Entered: 12/21/2007)
12/26/2007	<u>3</u>	RESPONSE to <u>2</u> Order to Show Cause filed by Linda Hale. (rb) (Entered: 12/27/2007)
12/26/2007	<u>4</u>	RESPONSE TO ORDER TO SHOW CAUSE by Linda Hale. (tb) (Entered: 12/28/2007)
12/26/2007	<u>5</u>	NOTICE OF CONVENTIONAL FILING of <u>4</u> Response to Order to Show Cause by Linda Hale (tb) (Entered: 12/28/2007)
01/03/2008	<u>6</u>	*Endorsed Order Staying the response deadline to Plaintiff's Application to Confirm Arbitration Award <u>1</u> until Defendant is served. Plaintiff is Ordered to notify this Court once service has been made. At that point, the stay will be lifted and Defendant will have ten days to file a response.Signed by Judge Kenneth L. Ryskamp on January 3, 2008.(lc1) (Entered: 01/03/2008)

01/08/2008	7	*Endorsed Order lifting stay on the response deadline to Plaintiff's Application to Confirm Arbitration Award. This Court received notice from the Marshall's office that Defendant was served with the application yesterday. Defendant's response is due January 22, 2008. Signed by Judge Kenneth L. Ryskamp on January 8, 2008. (lc1) (Entered: 01/08/2008)
01/14/2008	8	MOTION Enforce Court's Order for Respondent to Respond to Petitioner's Motion to Confirm Arbitration Award By January 22, 2008 by Linda Hale. (Attachments: # 1 Exhibit September 12, 2007 Letter from Respondent to FINRA Dispute Resolution# 2 Exhibit September 13, 2007 email from Petitioner to Respondent# 3 Exhibit September 18, 2007 email from Petitioner to Respondent)(Solomon, Neil) (Entered: 01/14/2008)
01/22/2008	9	Defendant's MOTION to Stay or Dismiss Action by Optionsxpress, Inc.. Responses due by 2/5/2008 (Attachments: # 1 Exhibit Customer Agreement)(Gillman, Stephen) (Entered: 01/22/2008)
01/23/2008	10	NOTICE of Instruction to Filer: re 9 Defendant's MOTION to Stay or Dismiss Action filed by Optionsxpress, INC., Error: Motion with Multiple Reliefs Filed as One Relief; Instruction to Filer=In the future please select all applicable Reliefs; (ls) (Entered: 01/23/2008)
01/24/2008	11	APPLICATION/CONFIRMATION of Arbitration Award Returned Executed on 1/7/08 by Linda Hale. (lk) (Entered: 01/24/2008)
01/28/2008	12	RESPONSE in Opposition re 9 Defendant's MOTION to Stay or Dismiss Action filed by Linda Hale. (Attachments: # 1 Exhibit 9/25/07 Letter # 2 Exhibit 1/28/08 Email # 3 Exhibit 1/14/08 Letter # 4 Exhibit Garver v. Ferguson# 5 Exhibit 9/12/07 Letter # 6 Exhibit 9/13/07 Email # 7 Exhibit Rueter v. Merrill Lynch)(Solomon, Neil) Modified on 1/30/2008 (ls). (Entered: 01/28/2008)
01/29/2008	13	ORDER denying 8 Motion To Enforce Deadline. Signed by Judge Kenneth L. Ryskamp on 1/28/08. (sh) (Entered: 01/29/2008)
02/04/2008	14	REPLY to Response to Motion re 9 Defendant's MOTION to Stay or Dismiss Action filed by Optionsxpress, INC.. (Attachments: # 1 Exhibit (A) Declaration of Robert B. Christie) (Gillman, Stephen) (Entered: 02/04/2008)
03/26/2008	15	ORDER denying 9 Motion to Stay/Dismiss and ORDER TRANSFERRING CASE to the Northern District of Illinois. Signed by Judge Kenneth L. Ryskamp on 3/26/08. (gp) (Entered: 03/27/2008)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 07-81085-CIV-RYSKAMP/Vitunac

LINDA HALE,

Petitioner,

v.

OPTIONSXPRESS, INC.,

Respondent.

ORDER DENYING MOTION TO DISMISS AND ORDER TRANSFERRING CASE

THIS CAUSE comes before the Court upon Respondent's Motion to Dismiss or Stay Action [DE 9] filed on January 22, 2008. Petitioner responded [DE 12] on January 28, 2008. Respondent replied [DE 14] on February 4, 2008. Thus, the motion is ripe for consideration.

Respondent requests that this Court stay or dismiss this case because of another case involving the same issues that was first filed in the Northern District of Illinois. This Court does not believe that a dismissal or stay of this action is appropriate. In the interest of judicial economy and efficiency, however, this Court had decided to transfer this matter to the Northern District of Illinois.

In Petitioner's argument against the Motion to Dismiss, she argued that a lawsuit commences, not when a complaint is filed, but rather when a respondent is served with process. Petitioner failed to cite any authority to support her argument. It is well settled that a case commences once the complaint is filed. Fed. R. Civ. P. 3; 735 ILCS 5/2-201(a).

In addition, the majority of Petitioner's response brief⁴ addressed the issues raised in the

Petitioner submitted a response brief that exceeded the permitted number of pages without leave of court. Thus, this Court has disregarded pages twenty one through twenty seven as they were filed in violation of the local rules. Any arguments raised in those pages, such as Petitioner's request that Respondent be sanctioned, shall not be addressed and will be deemed as if those

Illinois litigation, giving even more weight to this Court's decision to transfer the case.

As such, the Court has considered the motion and being otherwise fully advised in the premises, it is,

ORDERED AND ADJUDGED that

- (1) Respondent's Motion to Dismiss or Stay Action [DE 9] is DENIED.
- (2) This case shall be TRANSFERRED to the U.S. District Court for the Northern District of Illinois, for consolidation with the pending case entitled *OptionsXpress, Inc. v. Linda Hale*, Docket No. 07-CV-179.
- (3) The Clerk of the Court shall CLOSE this case and DENY any pending motions as MOOT.

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this 26 day of March, 2008.

/s/ Kenneth L. Ryskamp
KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE

Copies provided:
All counsel of record

pages were never filed.